

**FILED**

***United States District Court***

JUL 13 2006

MIDDLE

DISTRICT OF

ALABAMA

CLERK

U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

**CRIMINAL COMPLAINT**

v.

HECTOR R. SILVA,  
ROSA E. RINCON

CASE NUMBER: 2:06mj69-DRB

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 13, 2006, in Montgomery county, in the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

did knowingly and intentionally possess with intent to distribute approximately 10 kilograms of cocaine a Schedule II Controlled Substance,

in violation of Title 21 United States Code, Section(s) 841(a)(1)

I further state that I am a(n) HIDTA Task Force Agent and that this complaint is based on the following facts:

Official Title

See Attached Affidavit which is incorporated by reference herein

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Joe Vinny

Signature of Complainant

Sworn to before me and subscribed in my presence,

JULY 13, 2006

Date

at

Montgomery, Alabama

City and State

DELORES R. BOYD

United States Magistrate Judge

Name & Title of Judicial Officer

[Signature]

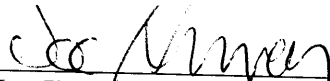
Signature of Judicial Officer

A F F I D A V I T

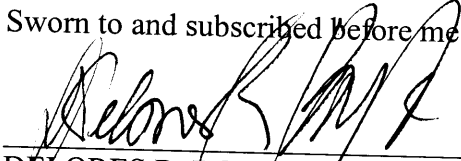
I, Joe Herman, Affiant, being duly sworn deposes and says:

1. I am an Alabama State Trooper assigned as an agent for the Alabama Bureau of Investigation's Narcotics Operations Service, and detailed to the Major Investigation Team of the High Intensity Drug Trafficking Area Task Force (HIDTA), which are both located at the Investigative Operations Center in Montgomery, Alabama. I am cross-designated and federally deputized by the United States Drug Enforcement Administration (DEA) which empowers me with authority under Title 21, United States Code. I have twenty-two years of law enforcement experience in which the past twelve have been extensively directed in narcotics investigations. The facts and information in this affidavit are based on my personal knowledge and the knowledge of other law enforcement officers.
2. On Thursday, July 13, 2006, at approximately 7:58 am, Alabama State Trooper Will Barnes stopped a black Ford F-150 pick-up truck bearing Texas license 2LH X65 for speeding on Interstate 85 at the 2 mile marker. Trooper Barnes identified the driver of the truck as Hector Rodriguez Silva who was accompanied by a passenger identified as Rosa Elena Rincon. Based on Barnes' personal observations and Silva's inconsistent statements, Barnes sought and obtained both verbal and written consent to search the truck from Silva. Trooper Chris Brown subsequently responded to the scene to assist.
3. A search of the truck revealed a cabinet that was located in the bed of the pick-up truck. Upon further inspection of the cabinet, it was found to contain ten individually wrapped packages that appeared to be consistent with the appearance of cocaine kilograms. A field test showed the substance within the packages to be cocaine. The

packages which contained approximately 10 kilograms of cocaine were secreted in a false compartment in the back of the four drawer wooden cabinet. Rincon is an illegal alien. Silva and Rincon were subsequently arrested and Trooper Barnes advised both Silva and Rincon of their rights, but did not question them. Both Silva and Rincon were then transported to the Alabama Bureau of Investigation's Investigative Operations Center in Montgomery for further investigation.

  
\_\_\_\_\_  
Joe Herman, Agent  
Alabama Bureau of Investigation

Sworn to and subscribed before me this 13<sup>th</sup> day of July 2006.

  
\_\_\_\_\_  
DELORES R. BOYD  
United States Magistrate Judge